

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6119

IN THE MATTER OF:

Served February 12, 2001

Application of MOBILE CARE)
SPECIALTY TRANSPORTATION, INC.,)
Trading as MOBILE CARE, to)
Acquire Assets from IRONSIDES)
TRANSPORT, INC., WMATC No. 31,)
to Acquire Assets and Certificate)
No. 65 from MOBILE CARE, LTD.,)
and for Temporary Approval)

Case No. AP-2001-10

By application accepted for filing February 6, 2001, Mobile Care Specialty Transportation, Inc., a Maryland corporation trading as Mobile Care, seeks Commission approval to purchase a substantial part of the property of Ironsides Transport, Inc., WMATC Carrier No. 31. Mobile Care Specialty further seeks approval to acquire Certificate No. 65 from Mobile Care, Ltd., together with substantially all of Mobile Care Ltd.'s assets.

Mobile Care Specialty also requests that the Commission grant temporary approval of Mobile Care Ltd.'s use of Ironsides's customer list until such time as Certificate No. 65 is reissued in Mobile Care Specialty's name.

Mobile Care Specialty's president, Jeffrey A. Koch, is also the president of Mobile Care, Ltd.

Mobile Care Specialty proposes operating six vans. Mobile Care Specialty's proposed tariff includes rates for Medicaid transportation and rates for non-Medicaid transportation.

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest.

Under Article XII, Section 3(a), of the Compact, a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to: (i) consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District; (ii) purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or (iii) acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means. Under Section 3(c), the Commission may give its approval if the Commission finds that the proposed transaction is consistent with the public interest.

The public interest analysis under both Article XI, Section 11(a), and Article XII, Section 3(a), focuses on the acquiring party's

fitness, the resulting competitive balance and the interests of affected employees.¹

Pending determination of an application filed under Article XII, Section 3, the Commission may grant temporary approval under Section 3(d) without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest. The public interest analysis under Section 3(d) includes an assessment of whether denial of temporary approval would cause a diminution in the value or utility of the subject assets.²

This proceeding is hereby initiated to determine whether the proposed transaction and temporary approval are consistent with the public interest

THEREFORE, IT IS ORDERED:

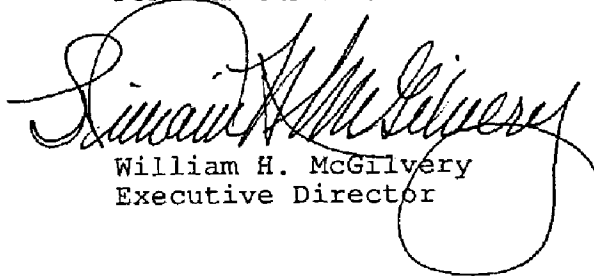
1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than February 26, 2001, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than March 19, 2001, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That Mobile Care Specialty shall file with the Commission, no later than March 19, 2001, five copies of proof of registration of the trade name, "Mobile Care," with the Maryland State Department of Assessments and Taxation, in accordance with Maryland law.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is March 19, 2001, and that copies must be served on Mobile Care Specialty's president, Jeffrey A. Koch, 4823 Fairmont Avenue, Suite D, Bethesda, MD 20814.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

¹ DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

² In re Old Town Trolley Tours of Wash., Inc., & D.C. Ducks, Inc., No. AP-96-44, Order No. 4932 (Sept. 17, 1996)